

SPSO decision report

Case: 201200808, Police Investigations and Review Commissioner
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, recommendations

Summary

Mr C complained that the Police Complaints Commissioner for Scotland (PCCS) (now the Police Investigations & Review Commissioner (PIRC)) unreasonably directed a police force not to deal with further correspondence from him in respect of his complaint. In addition, he believes that before the PCCS report on his case was issued, the Commissioner himself failed to personally read what Mr C believes to be the most important piece of evidence in relation to his case. He also complained that the PCCS unreasonably imposed their unacceptable actions policy on him.

We found that the decision of the PCCS to direct the police not to deal with any further correspondence from Mr C was a discretionary one granted to the PCCS under the terms of their legislation. The only way to challenge this decision was through judicial review. The information Mr C thought the Commissioner himself should have read was a short police report. On reviewing this issue, we found that the PCCS considered Mr C's complaint under their scheme of delegation and, as such, it was entirely appropriate that the investigation process was delegated to the Commissioner's staff. We found no evidence to suggest that the Commissioner was under any duty to personally review all aspects of the evidence. Finally we looked to see whether the PCCS decision to impose restrictions on Mr C's contact with their office, under their unacceptable actions policy, was reasonable. We found that there was no evidence to suggest that these restrictions were imposed incorrectly. Our investigation found no evidence to support Mr C's case and we did not uphold his complaints. We did, however, make a recommendation relating to their contact with Mr C, when this is reviewed.

Recommendations

We recommended that PIRC:

- when next reviewing their decision to restrict Mr C's contact with them, should write telling him when they will be carrying out the review, giving him an opportunity to comment; and on completion of the review, should write to Mr C setting out the reasons for their decision, when the decision will be reviewed and, if appropriate, the period to which any restriction relates.